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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,135	05/06/1999	JANICE LYNN FARMER	TH1213(US)	3066

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EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/30/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/306,135

Applicant(s)

FARMER ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,14 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,14 and 18-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-7, 14, 18-31 are rejected** under 35 U.S.C. 102(e) as being anticipated by Tipton et al. (US 6,097,995), hereinafter referred to as "Tipton".

As per claim 1, Tipton teaches an apparatus comprising:

- "an authoring module for identification of hazardous material and its characteristics" (Col. 41 lines 15-67) , the authoring module further comprising:
- "an automated means for selectively decompiling said hazardous material, determining its components and decomposition products, and their respective characteristics" at Col. 26 lines 10-38 and Fig. 26;
- "an automated means for associating said hazardous material and said component characteristics with hazard information, using a user defined set of hazardous material rules" at Col. 41 lines 15-67;

- “a means for recompiling said hazardous material and said components associated with hazard information to provide hazard information about the hazardous material, its components, decomposition products of said hazardous material, and substances related to said hazardous material” at Col. 41 lines 15-67;
- “a means for disseminating hazard information about said hazardous material, its components, decomposition products of the material, and substances related to the hazardous material wherein said means for disseminating hazard information communicates with said authoring module” at Col. 41 lines 15-67.

As per claim 2, Tipton teaches the apparatus of claim 1 wherein “said means for decompiling said hazardous material comprises a deblending analyzer” at Col. 26 lines 10-38.

As per claim 3, Tipton teaches the apparatus of claim 2, wherein “said means for decompiling hazardous material further comprises a substance processor” at Col. 26 lines 10-38.

As per claim 4, Tipton teaches the apparatus of claim 1, wherein “said means for recompiling hazardous material and said component associated with hazard information is a rules engine for generating words and phrases used in the production of documents and system output” at Col. 41 lines 10-67.

As per claim 5, Tipton teaches the apparatus of claim 1, wherein “said means for disseminating hazard information is a distribution module” at Col. 41 lines 10-67.

As per claim 6, Tipton teaches the apparatus of claim 1 wherein "said means for disseminating hazard information is an online module" at Col. 41 lines 10-67 and Fig. 110.

As per claim 7, Tipton teaches the apparatus of claim 1, wherein "said means for disseminating hazard information is a labeling module" at Col. 47 lines 35-40.

As per claim 14, Tipton teaches a system comprising:

- a) "an authoring module for entering information about a hazardous material and its characteristic" at Fig. 32;
- b) "a module for selectively decompiling said hazardous material into its components and decomposition products and their respective characteristics" at Col. 26 lines 10-38 and Fig. 26
- c) "a rules engine operating on a set of user-defined rules for automatically associating said hazardous material characteristics and its component characteristics with user-defined hazard information for use in the production of documents and system output to provide hazard information about said hazardous material, its components, and substances related to said hazardous material" at Col. 41 lines 15-67;
- d) "a module for disseminating said hazard information about said hazardous material, its components, and substances related to said hazardous material wherein said module communicates with said authoring module" at Col. 41 lines 15-67.

As per claim 18, Tipton teaches the system of claim 14, wherein "the module for decompiling hazardous material includes an automated deblending module" at Col. 26 lines 10-38.

As per claim 19, Tipton teaches the system of claim 18, wherein "the module for decompiling the hazardous material further includes a substance processor" at Col. 26 lines 10-38.

As per claim 20, Tipton teaches the system of claim 14, wherein "the rules engine for associating said hazardous material characteristics and its component characteristics with user-defined hazard information further includes a user-defined set of hazardous material rules related to hazardous material and component characteristics" at Col. 41 lines 15-67.

As per claim 21, Tipton teaches the system of claim 14, wherein "said hazard material rules may relate at least one regulator, transportation, storage, handling, exposure, or emergency requirements for said hazardous material and its components" at Col. 41 lines 44-67.

As per claim 22, Tipton teaches the system of claim 14, wherein "said user-defined hazardous material information is comprised of user defined words and phrases" at Col. 41 lines 25-30.

As per claim 23, Tipton teaches the apparatus of claim 1, wherein "said user defined set of hazardous material rule may relate to transportation, storage, regulatory, exposure, or emergency requirements for said hazardous material and its components" at Col. 41 lines 44-67.

As per claim 24, Tipton teaches a method for communicating hazard information comprising:

- a) “entering information related to a hazardous material and its characteristics into a computerized database” at Fig. 32;
- b) “selectively automatically decompiling said hazardous material into its component, and decomposition products and their respective characteristics” at Col. 26 lines 10-38 and Fig. 26;
- c) “automatically associating said hazardous material and component characteristics with hazard information using a set of user defined hazardous material rules” at Col. 41 lines 15-67;
- d) “recompiling said hazardous material information associated with said hazardous material and its components” at Col. 41 lines 15-67;
- e) “disseminating said hazardous material information related to said hazardous material and its components” at Col. 41 lines 30-67.

As per claim 25, Tipton teaches the method of claim 24, wherein “step b) further includes utilizing an automated deblender for decompiling said hazardous material” at Col. 26 lines 10-38.

As per claim 26, Tipton teaches the method of claim 25, wherein “said automated deblender further includes a substance processor” at Col. 26 lines 10-38.

As per claim 27, Tipton teaches the method of claim 24, wherein “said hazardous material rules includes rules relating at least one of regulatory,

transportation, storage, handling, exposure or emergency requirement for said hazardous material and its components" at Col. 41 lines 44-67.

As per claim 28, Tipton teaches the method of claim 24, wherein "step e) further includes the step of automatically disseminating said hazard information online" at Col. 41, lines 20-67 and Fig. 110.

As per claim 29, Tipton teaches the method of claim 24, wherein "step e) further includes the step of creating hazardous material labels" at Col. 47 lines 35-40.

As per claim 30, Tipton teaches the method of claim 24, wherein "said hazardous material and its components characteristics are referenced by a rules engine operating on user-defined rules to associate hazard information from a user-defined database of information with said hazardous material and its components" at Col. 41 lines 15-67.

As per claim 31, Tipton teaches the method of claim 24, wherein "said hazard information is comprised of a user defined set of words and phrases" at Col. 41 lines 15-67.

Response to Arguments

3. Applicant's arguments filed May 6, 2003 have been fully considered but they are not persuasive. The Examiner respectfully traverses applicant's arguments.

In the argument on page 7-8, Applicant referred to the **Tilton** '995 reference. The examiner assumes that Applicant intention is to the **Tipton** reference (US 6,097,995 A).

Applicant argued that **"Tipton '995 does not disclose, teaches or suggest this selective decompiling process as set forth in amended claims 1, 14 and 24"**. On the contrary, Tipton teaches a selective deblending process at Fig. 26 and Col. 26 lines 10-36, as recited below:

"referring to window 2600 of FIG. 26 it can be seen that the example includes **4 separate components** in the chemical container. **50%** of the container is **acetone** from container ID No. 1099226, as shown at 2602, **32%** of the container is water as shown at 2604, **15%** is **benzene** from container ID 1101248 as shown at 2606, and the remaining **3%** is **termed inert ingredients** as shown at 2608."

The cited text portion above clearly meets all requirement for the claimed element: "automated means for selectively decompiling hazardous material, determining its components and decomposition products (i.e., "acetone, water, benzene, termed inert ingredient") and their respective characteristic (i.e., 50%, 32%, 15%, 3%, respectively).

In light of the foregoing arguments, the 35 U.S.C 102 rejection is hereby sustained.

Applicant argued that **"Tipton '995 does not disclose, teach or suggest that the database may be used to address decomposition products"**. The Examiner submits that this feature is not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(703) 305-9601** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-

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7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7240.

Khanh B. Pham
Examiner
Art Unit 2177

KBP
May 28, 2003


JEAN R. HOMERE
PRIMARY EXAMINER